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November 12, 2014

Via ECF

Honorable Denise L. Cote
United States District Court for the
Southern District of New York United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: *In re Application of The Coalition To Protect Clifton Bay and Louis Bacon for an Order Pursuant to 28 U.S. C. § 1782 to Conduct Discovery for Use in Foreign Proceedings, 14 Misc. 258 (DLC)*

Dear Judge Cote:

We are the attorneys for Respondent Stephen J. Feralio. Pursuant to the Court's October 28, 2014 Order, we are required to complete our review and production of documents responsive to the Petitioner's Amended Subpoena by November 14, 2014. As described below, we have diligently reviewed files over the last several weeks in an effort to comply with the Court's deadline and have met that deadline in large part. However, one subset of materials necessitates an extension of our review. In addition, the discovery this week of an additional hard drive containing likely responsive files will require a short period of additional review. Accordingly, we respectfully request an extension through Tuesday, December 2, 2014 to complete our review.

Over the last several weeks a team of 13 individuals plus Mr. Feralio have devoted themselves to reviewing electronic files. In total, the team has reviewed approximately 144,725 video and other electronic files. In addition, we are in the process of conducting a re-review of approximately 3,570 responsive files that the Nygard Parties assert are not responsive to the Amended Subpoena. Apart from the outliers described below, we anticipate that we will complete our review of all these files by November 14, 2014, the deadline set by the Court.

On Monday evening, Mr. Feralio informed me that he had located an additional hard drive, previously unknown to counsel, that had been used to transfer video files and other electronic files. That hard drive includes video files concerning Peter Nygard's efforts to build a stem cell facility in the Bahamas and other potentially responsive materials. We believe that it will take approximately one additional week to review and produce those files to the Nygard parties.

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In addition, we have encountered technical hurdles producing one subset of electronic files, and request additional time to complete our production of these particular materials. Specifically, Mr. Feralio's hard drives contain hundreds of Final Cut Pro 7 projects. Final Cut Pro is a video editing application used by Mr. Feralio to make videos or movies, including videos involved in the smear campaign. Each Final Cut Pro project in turn incorporates multiple video clips, audio files, text files and special effects. While we have produced all separate responsive clips in our productions, a complete Final Cut Pro project incorporates multiple clips and effects together. In order to produce these projects to Petitioners and the Nygard parties in a format that they can review, we intend to transfer responsive Final Cut Pro projects including all connected clips, files, and effects to one or more separate hard drives. Each separate project will require a great deal of hard drive memory and machine time to copy it to the hard drive. Once the projects are produced to one or more hard drives, we will need to make copies of the drives before producing them to the Nygard parties for review. We are in discussions with Petitioners and the Nygard parties in an effort to reach agreement on narrowing the number of Final Cut Pro project files that will need to be produced at this time, as well as the process for producing those files. Assuming we can reach an agreement with Petitioners and the Nygard parties, we estimate that we could complete production of selected responsive Final Cut Pro projects in a period of approximately two weeks.

Accordingly, we respectfully request an extension until December 2, 2014, to complete our review and production of these materials. We are available to answer any questions the Court may have regarding our efforts. Per the Court's prior instructions, we will further update the Court tomorrow on our progress on the review.

Respectfully submitted,

s/ Steven D. Feldman

Steven D. Feldman

cc: Counsel for Petitioners (by ECF)
Counsel for Nygard International Partnership and Nygard Inc. (by ECF)